



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/573,105

03/23/2006

Robert B Mooney

19339104412

7683

28886

7590

10/03/2008

CLARK HILL, P.C.

500 WOODWARD AVENUE, SUITE 3500

DETROIT, MI 48226

EXAMINER

MORROW, JASON S

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,105	<b>Applicant(s)</b> MOONEY ET AL.	
	<b>Examiner</b> Jason S. Morrow	<b>Art Unit</b> 3612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-27 is/are allowed.
- 6) ☒ Claim(s) 1-4, 15-18 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 5-14 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/23/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 15-18, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by De Gaillard et al. (US Patent 6,604,782).

Re claim 1, De Gaillard et al. discloses a retractable roof assembly for a motor vehicle having a rear seat (see figure 1) and spaced apart roof side frame members defining a roof opening, said retractable roof assembly comprising a split rail assembly including a fixed rail (14) adapted to be fixedly secured to each of the roof side frame members and extending along a portion thereof, and a movable rail (22) extending rearward of said fixed rail along a remaining portion of each of the roof side frame members, a plurality of roof panels (10, 12, 20) extending between the roof side frame members and slidably engaging said split rail assembly for selective movement into a stacked configuration above said movable rail, and a linkage (see figure 8) assembly operably connected to said movable rail for pivoting and articulating said movable rail relative to said fixed rail when said plurality of roof panels is in said stacked configuration in order to stow said plurality of roof panels behind the rear seat of the motor vehicle such that the entire roof opening is exposed.

Re claim 2, the plurality of roof panels includes a forward first roof panel (10), an

Art Unit: 3612

intermediate second roof panel (12), and a rearward third roof panel (20).

Re claim 3, a carrier assembly (the unmarked portion in figure 8 just in front of reference numeral 32' than includes a circular structure; a similar structure is also attached to 12) is coupled to said first roof panel and slidably coupled to said split rail assembly for selectively moving said first and second roof panels to a location above said movable rail such that said plurality of panels is in said stacked configuration (shown in figure 1).

Re claim 4, a coupling mechanism (47, 48) is secured to said second roof panel for selectively coupling said first and second roof panels to one another.

Re claim 15, De Gaillard et al. discloses a split rail assembly for a motor vehicle having spaced apart roof side frame members defining a roof opening and a plurality of roof panels selectively extending between the roof side frame members to cover the roof opening, said split rail assembly comprising a fixed rail (14) adapted to be fixedly secured to each of the roof side frame members and extending along a portion thereof, and a movable rail (22) extending rearward of said fixed rail along a remaining portion of each of the roof side frame members, said movable rail pivotal relative to said fixed rail for moving the plurality of roof panels away from the roof side frame members to expose the roof opening.

Re claim 16, a rail locking mechanism (47, 48) is coupled to said movable rail for selectively locking said movable rail to said fixed rail.

Re claim 17, a panel support structure (the support for 20 that allows it to pivot) is fixedly secured to said movable rail for supporting the plurality of panels during pivotal movement of said movable rail relative to said fixed rail.

Art Unit: 3612

Re claim 18, said fixed rail includes a locking tab (47) extending out therefrom.

Re claim 20, De Gaillard discloses a retractable roof for a motor vehicle having a roof opening and a rear seat, said retractable roof comprising a plurality of roof panels (10, 12) movable between a closed position covering the roof opening, an intermediate position partially covering the roof opening, and a stowed position behind the rear seat to expose the entire roof opening, and a linkage assembly (see column 3, lines 29-40) operably connected to said plurality of roof panels for pivoting said plurality of roof panels into said stowed position behind the rear seat of the motor vehicle.

Re claim 21, an actuator (see column 3, lines 29-40) is operably coupled to said linkage assembly for actuating pivotal movement of said plurality of panels into said stowed position.

Re claim 22, a panel support structure (the support for 20) for supporting said plurality of panels during movement thereof into said stowed position is provided.

Re claim 23, said plurality of panels includes a forward first panel (10) an intermediate second panel (12), and a rearward third panel (20).

***Allowable Subject Matter***

3. Claims 24-27 are allowed.
4. Claims 5-14 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3612

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references all disclose convertible vehicle tops.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663.

The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason S. Morrow/  
Primary Examiner, Art Unit 3612

October 1, 2008